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U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER OF THIRD  
PRELIMINARY AMENDMENT AND AMENDMENT  
TO SEQUENCE LISTING UNDER 37 C.F.R. § 1.825**

Docket Number:  
13101/48202

Application Number  
10/732,859

Filing Date  
December 9, 2003

Examiner  
not yet assigned

Art Unit  
1636

Invention Title  
CONTROL OF GENE EXPRESSION IN EUKARYOTES

Inventor(s)  
Türk et al.

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited  
with the United States Postal Service with sufficient postage  
as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on

Date: *November 10, 2005*  
Signature: *Anthony Giaccio*  
Anthony Giaccio Reg. (No. 39,684)

Sir:

Transmitted herewith for entry and consideration regarding the above-identified  
patent application are the following:

1. Third Preliminary Amendment and Amendment to Sequence Listing under 37 CFR § 1.825
2. Statement that the computer-readable disk and paper Sequence Listing are the same (37 CFR §1.825(b)) and statement that the Sequence Listing contains no new matter (37 CFR §1.825(a)).
3. Sequence Listing in paper form (23 pages) and computer readable form (two diskettes).
4. Replacement Sheets for Figures 5, 6, and 7 and Annotated Sheets showing changes.

Applicant believes that no fees are due. However, the Commissioner is hereby  
authorized to charge any fees associated with this communication or credit any overpayment  
to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**. A copy of  
this communication is enclosed for that purpose.

Dated: *November 10, 2005*

By:

*Anthony Giaccio*  
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